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Falkland Islands (Malvinas)

Working paper prepared by the Secretariat

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I. General

1. The Falkland Islands (Malvinas),[1] which is administered by the United Kingdom of Great Britain and Northern Ireland, comprises two large islands, known as East and West Falkland, as well as some 200 smaller islands, and has a total area of about 12,173 square kilometres. The Territory is situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands (Malvinas) acts as Commissioner for South Georgia and the South Sandwich Islands.

2. According to the territorial census report of 1996, the total number of the ordinarily resident population in the Territory in 1996 was 2,221. This figure is adjusted to take into account persons who reside in the Territory but who were absent during the holding of the census.

II. Constitutional and political developments

A. Constitution and Government

3. Detailed information on the constitution and Government of the Territory is contained in previous working papers prepared by the Secretariat (A/AC.109/835 and Corr.1, paras. 4-39; A/AC.109/2027 and Corr.1, paras. 3-4 and A/AC. 109/2048, paras. 3-4). It will be recalled that the Constitution Order of the Territory stipulates, *inter alia*, that "whereas all peoples have the right of self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law; and whereas the realization of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations".

4. An Electoral Ordinance was enacted in 1988 and amended in 1997. The Electoral Ordinance, as amended, and the provisions of the constitution govern elections of members of the Legislative Council. The Falkland Islands (Malvinas) are divided into two constituencies, the town of Stanley and its neighbourhood, which make up the Stanley constituency, and the rest of the country, which makes up the Camp constituency. Prior to the amendments made by the Electoral (Amendment) Ordinance 1997, there were four elected members for each constituency. As a result of the amendment made by that ordinance, the Stanley constituency elects three members to the Legislative Council. Only persons who are registered as electors and are 21 years of age or older are entitled to stand for election. A general election of members of the Legislative Council has to be held at intervals not longer than four years. The most recent General Election was in October 1997 and the next election will be due in October 2001. Should a seat become vacant in the meantime, a by-election for the vacant seat will take place.

5. The Constitution (Amendment) Order 1997 introduced changes with regard to the right to vote. Section 27 (1) as amended provides, subject to the provisions of subsection (2), that a person shall be qualified to be registered as an elector for the election of members of the Legislative Council if he is a Commonwealth citizen who has attained the age of 18 years and either (a) enjoys Falkland Island status; or (b) his name appeared in the Register of Electors for a constituency in force on 1 September 1997; and, in either case, was a resident in the Falkland Islands (Malvinas) on the qualifying date for the period required in order to qualify.

6. Under the Electoral Ordinance, as amended, an electoral register is prepared for each constituency every year and comes into force on 1 September for a period of 12 months. The "qualifying date" in relation to the register is 15 May of the year in question.

7. The Falkland Islands Constitution Order 1985, containing the constitution of the Falkland Islands, came into force on 3 October 1985. The Falkland Islands Constitution (Amendment) Order 1997 came into force on 1 September 1997. A copy of the Falkland Islands Constitution (Amendment) Order 1997 and of the Falkland Islands Constitution (Amendment) (No.2) Order 1997, which came into force in February 1998, have been submitted to the Secretariat by the administering Power.

B. Political developments

8. In his first broadcast to the Islands in January 1998 in a New Year message on the British Broadcasting Corporation (BBC) programme "Calling the Falklands", the

Prime Minister of the United Kingdom , Mr. Tony Blair, declared:

> "... I want to take the opportunity to reassure you that I am committed to protecting your right to choose your own way of life. I am also fully committed to ensuring your security.
>
> "In 1982 Britain demonstrated unequivocally its support for your right to self-determination. You, the Falkland Islanders, demonstrated to the world what you were made of during that period of crisis. I would like to pay my personal tribute to your resolve. The new Labour government will be equally resolute.
>
> "At the same time, of course, I want to develop our relations with Argentina, an important country and a trading partner of Britain. I want us to have an open and constructive relationship. As part of this, I have invited President Menem to the United Kingdom next year. No doubt other ministers will also meet over the coming year. I believe that such contacts will benefit both the Falkland Islands and the United Kingdom. I hope they will improve your economic situation and your security. But you have my absolute and firm promise that I will not pursue any relations or development with Argentina at the expense of the Falkland Islands. At this time of year thoughts naturally turn to peace, forgiveness and reconciliation, whether it be in Northern Ireland or the South Atlantic. You have been generous in your own gestures towards Argentina. I know that the recent next of kin visit was a great success, and your readiness to allow such visits is a great tribute to you."

9. Also in a New Year's broadcast on BBC, the Secretary for Foreign and Commonwealth Affairs, Mr. Robin Cook, declared:

> "We have made it perfectly clear that the wishes of the Falkland Islanders are what count. They do not want to share sovereignty and in those circumstances there is no question of us agreeing [to] shared sovereignty...There is no question of us agreeing to any settlement on the Islands that does not respect the Islanders' views. They are the people who live there after all and we are a democratic nation and we have to respect the democratic wishes of the people who are there. We want a settlement that will suit their future and one in which they will be confident."

Asked about the official visit of President Menem to the United Kingdom later in the year, and his declared intention to raise the issue of shared sovereignty, the Foreign Secretary stated:

> "I want to get this quite clear at the beginning. It was established between the two countries that President Menem's visit is about the very strong bilateral relations between Britain and the new democratic Argentina, with whom our trade at the moment is booming, and it is very important that we should have sensible bilateral relations."

10. On 10 June 1997, the Government of Argentina issued the following press release:

> "On 10 June, 'the Day of Affirmation of Argentine rights to the Malvinas Islands and the Antarctic Sector', the Argentine nation commemorates the establishment of the Political and Military Command of the Malvinas Islands and the Islands Adjacent to Cape Horn in the Atlantic Ocean, in accordance with the decree by Governor Martin Rodriguez of 1829.
>
> "Since the beginning of its existence as an independent nation, the Argentine Republic has demonstrated, through actions by the Government, the firm political determination to exercise its effective sovereignty in the southern territories and maritime areas inherited from Spain.
>
> "This effective exercise of sovereignty was interrupted when, in 1833, British forces occupied the Islands, expelling the population and the Argentine authorities established there. Subsequently, Argentine citizens were prevented from settling freely or owning land in those territories.
>
> "The Argentine people and Government never accepted that act of force and today reiterate, just as in the past, their unwavering determination to regain, through the peaceful means of diplomatic negotiations and in accordance with the numerous appeals by the international community, the exercise of sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas.
>
> "The Argentine claim has traditionally been supported by the countries of our region and numerous international bodies, including the United Nations General Assembly and the General Assembly of the Organization of American States. These forums have repeatedly requested the Governments of the Argentine Republic and the United Kingdom to resume negotiations making it possible to resolve the

sovereignty dispute definitively and in a peaceful manner.

"The Argentine Government reiterates its readiness to continue to seek agreements with the United Kingdom that would help to consolidate an atmosphere of cooperation in the South Atlantic. These efforts are undertaken within the framework of the commitment assumed by the Argentine Republic, and incorporated in its national constitution to respect the way of life of the inhabitants of the Malvinas Islands.

"On this momentous date, the Argentine Government reaffirms its belief that the resumption of talks on the substance of the question as well as the re-establishment of communication will create a favourable framework for a peaceful and lasting resolution of the dispute."

11. On 2 January 1998, the Government of Argentina issued the following press release:

"On 3 January 1933, British forces occupied the Malvinas Islands, expelling their inhabitants and the Argentine authorities established there. Today, a day marking 165 years of that illegal occupation, the Argentine people and Government reaffirm the Argentine Republic's rights of sovereignty over the Malvinas, South Georgia and South Sandwich Islands and their surrounding maritime areas.

"The Argentine Government in accordance with the objective laid down in the national constitution, reiterates on this occasion its unwavering determination to regain, by means of diplomatic negotiations, the exercise of sovereignty over the territories referred to and their maritime areas.

"In like manner, the Argentine Government reaffirms the constitutional commitment to respect the way of life of the inhabitants of the Islands and favours the re-establishment of communication and cooperation between the Islands and the continental territory, as a way of contributing to better understanding among the inhabitants of the region.

"The Argentine Government reiterates its readiness to continue making progress in the dialogue with the United Kingdom in order to foster a relationship of mutual trust that helps to consolidate an atmosphere of cooperation and reach new agreements in the South Atlantic.

"On this anniversary, the Argentine Government reaffirms its belief that the resumption of negotiations on the substance of the question, in accordance with the numerous appeals by the international community, will help to create a favourable framework for a just and definitive settlement of the sovereignty dispute."

12. In April 1998, the Foreign Office Minister Tony Lloyd visited the Falkland Islands (Malvinas) where he had four days of meetings with elected members of Government, officials and local residents. While in the Islands, he visited the British war cemetery at San Carlos, the battlefield at Goose Green and the Argentine war cemetery at Darwin. Shortly thereafter, while answering questions from Falkland (Malvinas) residents during a phone-in on the local broadcasting station, he was reported to have said that he intended to visit Argentina "in the not so distant future", although he did not specify a particular date [Mercopress News, 27 April 1998]. With respect to relations with Argentina, Mr. Lloyd remarked:

"This relationship does not cause any challenge to the people of the Falkland Islands and it is right and proper that Britain pursue its own national interests in that respect."

On the subject of President Menem's visit to the United Kingdom, Mr. Lloyd pointed out that "It will be good for Britain, good for Argentina and, in the end, good for the people of the Falkland Islands".

III. Mine clearing

13. In his statement on 24 September 1997, during the general debate of the General Assembly at its fifty-second session, the Minister for Foreign Affairs and Worship of Argentina reiterated the commitment of his Government to the Ottawa process to ban anti-personnel landmines. In this regard, he recalled that in 1994 Argentina had offered to assume the task of removing the mines laid in the Malvinas Islands. Argentina had laid those mines and thus felt a sense of responsibility. He expressed the hope that an agreement would soon be achieved that would allow Argentina to complete that task. Further information under this section is contained in the 1996 working paper prepared by the Secretariat (A/AC.109/2048, para. 10).

IV. Economic conditions

A. Public finance

14. According to the administering Power, for the year ending 30 June 1997 the total revenue was £47,341,479.94 and the total expenditure was £42,622,856.80.

B. Agriculture, land tenure and livestock

15. During the years 1980-1996, the territorial Government implemented its farms subdivision programme. As a result, previously very large farms have been subdivided and sold to local farmers. Thus, the number of farms increased from 36 in 1980 to the present 90. Another result of the subdivision programme was the transfer of majority overseas land ownership to the islanders. During 1980-1996, the ratio of overseas land ownership in the Territory decreased from 76 per cent to 1.23 per cent respectively. Overseas land ownership currently comprises the Pebble and Keppel Islands.

16. The Department of Agriculture continues to be responsible for this sector of economy. The agricultural grant scheme was completed in June 1995 and was replaced by the rural development assistance scheme with emphasis on diversification and development-related initiatives. In 1996/1997, the budget of the Department totalled £591,549. The Department has developed a multidisciplinary approach to assist the landholders. Specialists in agronomy, sheep husbandry and veterinary services, as well as an agricultural economist, assist farm management and, in particular, provide support to new farmers.

17. The Territory comprises treeless grasslands and moorlands with rocky hills rising to above 705 metres above sea level. Almost all the land is covered in natural pastures of low nutritional value. There are small areas of introduced pastures. Small amounts of hay are produced as feed for horses and milk cows.

18. The land is devoted for the most part to sheep ranching to produce wool. In 1996, the number of sheep was 638,116 and the gross volume of raw wool sales totalled £3,504,252. Stock improvement continues to be pursued through careful selection, introduction of new genetic material, encouragement of new and improved sheep ranching practices and pasture improvement. A national stud flock at Sea Lion Island has been established. It is stocked with 500 imported Polwarth sheep and 25 rams. The Falkland Islands Development Corporation has also imported a small herd of Cashmere goats, which are based at Pebble Island. Tests are under way to assess whether goats can be raised with sheep, both to provide an additional cash crop and to contribute to pasture improvement. In an effort to prevent the importation and spread of plant and animal diseases, ordinances to this effect are currently under review and may be updated or replaced in the course of 1998.

C. Fisheries

19. Squid, including *Loligo* and *Illex*, are the mainstay of the territorial fisheries and economy. In 1997, the total catch of all species was 230,326 tonnes, including 149,763 tonnes of *Illex* (highest catches since 1993) and 26,122 tonnes of *Loligo* (a decrease from previous years). The annual ordinary revenue from fishing licence fees was £21.5 million, which represents over 50 per cent of the total annual ordinary revenue of the Territory. Among the countries licensed to fish in the islands' waters were Chile, France, Honduras, Italy, Japan, Panama, Poland, Portugal, the Republic of Korea, Spain and the United Kingdom. Requests for licences from companies from the Republic of Korea, affected by the collapse of that country's currency, have decreased and this might result in a reduction of fishing licence revenue for the islands.

20. Expenditure on fisheries in 1996-1997 amounted to £4.1 million. Fisheries protection and aerial surveillance accounted for 67 per cent of this amount, with a further 19 per cent directed to support scientific research on *Illex*, *Loligo* commercial finfish species and stock assessment techniques.

21. Shipping activity showed an increase; most of it was fishing related, although some was a result of seismic survey vessels involved in oil exploration. Trans-shipping operations in Berkeley Sound increased during the first season of 1997.

22. The thirteenth meeting of the South Atlantic Fisheries Commission concluded its work on 25 November 1997 at Buenos Aires. The following joint statement of the Commission was issued on the same day:

> "1. The Thirteenth Meeting of the South Atlantic Fisheries Commission took place in Buenos Aires on 24 and 25 November 1997. The British delegation was led by the Head of the South Atlantic and Antarctic Department, Mr. John White, and the Argentine delegation was led by the Legal Adviser, Ambassador Orlando Rebagliati. The meeting took place in a friendly and constructive atmosphere.

"2. The British and Argentine delegations agreed that there applied to this meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas agreed by the British and the Argentine Governments in paragraph 2 of the Joint Statement issued at Madrid on 19 October 1989.

"3. The South Atlantic Fisheries Commission welcomed the reports of the Scientific Subcommittee on its ninth and tenth meetings, which were held, respectively, in London on 2 and 3 July 1997 and in Mar del Plata on 19 and 20 November 1997. It took note of the cooperation between the Instituto Nacional de Investigación y de Desarrollo de la Industría Pesquera (INIDEP) and the Imperial College and of the progress made on joint research. The Commission expressed its satisfaction at the progress made by the Subcommittee and agreed to recommend to their Governments the Subcommittee's proposals.

"4. Both delegations expressed their commitment to the conservation of fish stocks in the South Atlantic and agreed to recommend to their Governments the continuation of cooperation to reach a greater level of scientific understanding of the most significant off-shore species in the area of cooperation. To help achieve this objective, and as in previous years, a joint research cruise will take place in 1998 to evaluate the level of the *Illex* squid stock.

"5. Both delegations reaffirmed their common goal of improving the Early Warning System and the exchange of real time data on fishing operations. The Commission agreed to recommend to their Governments that every effort be made to ensure a level of 40,000 metric tonnes of *Illex* spawning stock biomass at the end of the 1998 season.

"6. The Commission noted the concerns expressed by the Subcommittee on the status of the Southern Blue Whiting stock and uncertainties over methodology which had emerged in its scientific evaluation. In this context, the Commission agreed to recommend to the two Governments that joint research on this species should be intensified and that a joint research cruise should take place in the next austral spring.

"7. The Argentine delegation referred to the concern of the Argentine Government about the situation created by the British decision with respect to the area described in the annex to the joint statement of 28 November 1990 and in the area to the west of it. It expressed the hope that this subject would be resolved. The British delegation re-stated its position.

"8. The two sides will maintain contact through diplomatic channels to agree on the place and date for future meetings of the Commission."

D. Tourism

23. Over the summer season, 34 cruise vessel visits were made, carrying 7,004 passengers to locations of interest around the islands. According to the administering Power, during 1996, 6,498 persons arrived and 6,192 departed; these persons were of 89 different nationalities and represented an increase of 25 per cent over 1995. Tourists interested principally in wildlife and bird watching are the major source of tourist income estimated at £0.4 million, with cruise vessels bringing a further £0.2 million.

E. Oil

24. The third meeting of the South-West Atlantic Hydrocarbons Commission concluded its work on 16 July 1997 in Buenos Aires. The follow-up statement of the Commission was issued on the same date:

"1. The third meeting of the South-West Atlantic Hydrocarbons Commission took place at Buenos Aires on 16 July 1997. The British delegation was led by Mr. Peter Westmacott, Director of the Americas Command at the Foreign and Commonwealth Office, and the Argentine delegation by Ambassador Alberto Daverede, Under-Secretary for Foreign Policy at the Ministry of Foreign Affairs, International Trade and Worship. A meeting of the Subcommittee for the Special Cooperation Area took place on 14 and 15 July.

"2. The British and Argentine delegations agreed that there applied to the meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, set out in paragraph 1 of the Joint Declaration of 27 September 1995.

"3. The Joint Commission expressed satisfaction at the progress made by the Subcommittee in working out arrangements for a licensing round in the Special Cooperation Area. It endorsed the work

schedule proposed by the Subcommittee for intersessional experts meetings.

"4. The Joint Commission gave particular consideration to proposed standards for the protection of the marine environment of the South-West Atlantic, recommendations for standards for environmental health and safety monitoring in off-shore activities. As a first step, the Commission recommended carrying out a survey on the condition of the marine environment in the Special Cooperation Area, mindful of the common interest of both sides in fulfilling the mandate of the Commission to submit recommendations on the protection of the marine environment of the South-West Atlantic. In the first phase, a collection of existing data will proceed and special aspects on which further information is required will be identified.

"5. Both Parties reiterated their intention to proceed to the launching of the licensing round in the Special Cooperation Area. The Commission noted that work would have to be intensified to realize this objective. The Joint Commission recommended that priority should be given to work on detailed terms and conditions under which licences will be issued in the Special Cooperation Area. The next meeting of the Subcommittee in London will take this matter forward.

"6. The Joint Commission reviewed proposals to develop joint scientific research projects in the South-West Atlantic. In this sense, projects on the impact of the hydrocarbons exploration and exploitation on the marine living resources in the South-West Atlantic and on detection and tracking of floating icebergs were considered. The Commission recommended the continuing consideration of these projects during the intersessional period.

"7. Both sides discussed ways of cooperating on the promotion of the exploration for and exploitation of hydrocarbons in the maritime areas of the South-West Atlantic, subject to a controversy on sovereignty and jurisdiction. They noted the importance of continuing to share information relevant to the conduct of this work and their common interest in developing cooperation in the commercial field and in the use of existing infrastructure.

"8. The Joint Commission was pleased with the significant progress that had been made since their last meeting. Joint work was going forward in a cordial and constructive atmosphere. The next meeting of the Joint Commission was planned for London on a date to be agreed, as soon as the work of the inter-sessional experts and the Subcommittee meetings is completed."

25. The fourth meeting of the South-West Atlantic Hydrocarbons Commission concluded its work on 5 December 1997 in London. The follow-up joint statement of the Commission was issued on the same date:

"1. The fourth meeting of the South-West Atlantic Hydrocarbons Commission took place in London on 5 December 1997. The British delegation was led by Mr. Peter Westmacott, Director of the Americas Command at the Foreign and Commonwealth Office, and the Argentine delegation by Ambassador Alberto Daverede, Under-Secretary for Foreign Policy at the Ministry for Foreign Affairs, International Trade and Worship. A meeting of the Subcommittee for the Special Cooperation Area took place on 2 and 3 December 1997.

"2. The British and Argentine delegations agreed that there applied to the meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, set out in paragraph 1 of the Joint Declaration of 27 September 1995.

"3. The Joint Commission expressed satisfaction at the progress made by its Subcommittee in working out arrangements for a licensing round in the Special Cooperation Area. It endorsed the approach that had been reached on taxation and the proposal of the Subcommittee for a further intersessional meeting or meetings of experts to take place before the next meeting of the Subcommittee.

"4. The Joint Commission confirmed the Subcommittee's recommendation on harmonization of licence terms and conditions and approved a list of items where harmonization between the two licensing regimes is necessary and a separate list of items where harmonization is not necessary.

"5. The Joint Commission gave particular consideration to issues related to the protection of the marine environment of the South-West Atlantic. It agreed that more work would be required in order to complete the collection of data necessary to reach a better understanding of the marine environment in the Special Cooperation Area and the rest of the area covered by the Joint Declaration.

"6. The Joint Commission confirmed their commitment to an early launch of the licensing round

in the Special Cooperation Area. It noted that it was important to maintain the present momentum of work to achieve this objective. The Joint Commission recommended that further intersessional work was necessary on the proposed marking scheme for bids, taxation of offshore activities, harmonization of licence terms and conditions, future environmental work and health and safety issues. The next meeting of the Subcommittee would take place at Buenos Aires as early as possible in the first half of 1998.

"7. Both sides agreed on the need further to study proposals for joint scientific research projects to be carried out in the South-West Atlantic, related to matters under the scope of the Commission.

"8. Both sides discussed ways of cooperating on the promotion of, the exploration for and the exploitation of hydrocarbons in the maritime areas of the South-West Atlantic, subject to a controversy on sovereignty and jurisdiction. They noted the importance of continuing to share information relevant to the conduct of this work and their common interest in developing cooperation in the commercial field. They also reiterated their commitment to creating the conditions for substantial participation in activities by companies from the two sides.

"9. The Joint Commission was pleased with the significant progress that had been made since their last meeting. Joint work was going forward in a cordial and constructive atmosphere. The next meeting of the Joint Commission was planned for Buenos Aires in the first half of 1998."

F. Transport, communications and other basic facilities

26. Detailed information on transport, communications and other basic facilities is provided in the previous working papers prepared by the Secretariat (A/AC.109/1198, paras. 65-70; A/AC.109/2027, paras. 32-33 and A/AC.109/2048, paras. 27-33).

27. In 1996-1997, work was undertaken by Cable and Wireless to upgrade all VHF telephones to microwave. These improvements have been jointly funded by Cable and Wireless and the Territorial Government. Cable and Wireless recently introduced an Internet access facility including worldwide e-mail at the rate of £0.10 per minute.

28. There is a shipping service between the United Kingdom and the Falkland Islands (Malvinas) with cargo vessels arriving approximately every month. Inter-island sea transport is effected by a coastal cargo vessel operated by a local shipping company. The vessel also makes bi-monthly voyages to Punta Arenas in Chile. There are Ministry of Defence flights to and from the United Kingdom twice a week from Mount Pleasant airport. The Chilean national airline, Lan Chile, flies once a week from Mount Pleasant to Punta Arenas and Santiago. The total length of roads in the islands outside Stanley continues to increase and has now reached 450 km, of which about 10 per cent is hand surfaced bitumen, asphalt or concrete. The remainder are all-weather roads of crushed stone surface. Further road construction is under way.

29. The local Falkland Islands Broadcasting Service continued to provide programming within the 24-hour-a-day service agreed upon with the British Forces Broadcasting Services. Television transmissions are received by most of the islanders from the British Forces base at Mount Pleasant. The programmes are recorded from BBC and Independent Television (ITV) and transmitted via satellite. Since 1994, a privately funded satellite service of the Cable News Network (CNN) broadcasts was introduced and customers may now avail themselves of an expanded satellite service using individual satellite dishes.

30. In addition to the official *Gazette*, two weekly newspapers are published: the *Penguin News* (which receives a Territorial government subsidy) and the *Teaberry Express*.

31. During the period under review, the Government of Argentina maintained its position that the restoration of communications between the mainland and the Falkland Islands (Malvinas) continued to be a primary objective, since improved links would produce commercial and economic benefits for the entire region by creating the necessary framework for achieving a greater understanding between the inhabitants of the region and for serving their interests (see also A/AC.109/2048, para. 32).

G. Banking

32. The Standard Chartered Bank of the United Kingdom has been operating in Stanley since 1983. Both United Kingdom and local coinage are used, together with local currency notes.

H. Public works

33. During the period under review, the Public Works Department was restructured and a new section created to manage works placed to contract. The restructuring will enable the Department to respond to fluctuations in its workload, particularly in capital projects. It has already facilitated a significant increase in capital expenditure compared with previous years. Major ongoing activities are the East Stanley Housing Development and the continuation of the roads programme. The East Stanley Housing Development is the second largest construction contract and was due for completion by May 1998. The Fox Bay jetty was completed. Roads to Cape Dolphin, Moss-Side, Little Creek and Hope Cottage have also been completed.

34. Designs and contract documentation have been prepared for a variety of projects including a new archives building, improvements to previously unsurfaced roads in Stanley, an additional 10 houses in the East Stanley Housing Development, services and roads at Squid Row, improvements to the car park at the Town Hall and the West Roads contract to Hill Cove.

V. Social conditions

A. General

35. According to the administering Power, during the period under review, there have been no complaints of discrimination on the basis of race or religion. There have been no problems in cultural relations. The Territory observes the principles contained in the Universal Declaration of Human Rights. The provisions of the European Convention on Human Rights have been extended to the Territory by the United Kingdom. The extension of that Convention includes the right of an individual who alleges that his human rights have been transgressed and who has exhausted all other remedies to petition the European Court of Human Rights. Further, the United Kingdom has extended the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights to the Islands and observes the regular reporting procedures under these instruments. As in the United Kingdom, the European Convention and the International Covenants do not in themselves have the force of law in the Territory. However, the rights provided by them are protected by the constitution and the provision of safeguards within the laws applying to the Islands, distinct from, but in conformity with, the Covenants. The common law of the United Kingdom applies in the Falkland Islands (Malvinas) except insofar as it is inconsistent with any enactment of the law applying to the Falkland Islands.

36. There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination Against Women has been applied by the United Kingdom to the Falkland Islands (Malvinas) with the agreement of the Territorial Government. The second report required under the terms of that Convention in relation to the Falkland Islands (Malvinas) has been submitted by the United Kingdom Government to the United Nations.

B. Public health

37. According to the administering Power, the general state of health and nutrition of the population and the standard of medical care in the Territory are similar to those in North America and Europe. The limiting factors are the range of expertise available to the four medical officers, one surgeon and one anaesthetist. Patients who require specialized treatment are referred to the United Kingdom, but increasingly the trend has been to have visiting specialists from the United Kingdom. The principal causes of death are carcinomatosis, ischaemia and respiratory infection of the aged.

38. Medical and dental care as well as medications are free to all residents of the Territory and all United Kingdom citizens. There is no private system of medical care. A medical services levy is paid by every resident of the Territory as follows: employed persons, 1 per cent of their salary; employers, 1.5 per cent of the salary of each employee; and self-employed persons, 1.5 per cent of their net profit.

39. The territorial Medical Department is responsible for the supervision of public health services. The Department's total expenditure in the 1996-1997 financial year was £2,941,190. All medical services in the Territory are based at the King Edward VI Memorial Hospital at Stanley. The hospital has 28 beds, including two maternity and two intensive-care beds. The hospital has the facilities to deal with all acute medical and surgical conditions. Cases requiring specialist facilities are first stabilized and then transferred to the United Kingdom via the Royal Air Force Medevac system or to Montevideo in an emergency. There is a visiting service by doctors, midwives and health visitors to the outlying farm settlements.

C. Social security and welfare

40. There are contributory and non-contributory old age pension schemes. There is no provision for payment of a disability pension, but there is a system of social welfare grants and pensions to deal with cases of hardship and disability.

D. Housing

41. In cooperation with the administering Power, the territorial Government completed a programme of "general needs" housing construction and is now concentrating on the provision of single-person housing and serviced plots for self-builders. According to the administering Power, the demand for housing still outstrips the supply. A major development in East Stanley to provide 92 building plots is under way. The Territorial government is currently building 20 new houses for its own use, mainly for accommodation for its professional expatriate staff.

VI. Educational conditions

42. Expenditure on education for 1997-1998 is estimated at £3.17 million. The educational system serves children living in Stanley and children living in Camp (the rural areas outside Stanley). Education is compulsory for all children between the ages of 5 and 16 years. Expenditure on school materials for Stanley schools and Camp education for 1997-1998 was estimated at £84,000. Both Stanley schools and Camp education had a full complement of teachers. The school curriculum is reported to be up to date. There are 385 pupils being educated in the Territory and 5 in the United Kingdom. There are four schools, including small settlement schools. In practice, secondary education is available only in Stanley. The cost of overseas training for further education for 1996-1997 was £445,000. The estimated illiteracy in the Territory was 0.5 per cent of the total population 20 years of age and over in 1998.

VII. Other developments

43. On 19 November 1997, 21 January and 18 February 1998, three groups of next-of-kin of Argentine casualties of the 1982 conflict, buried in the Falkland Islands (Malvinas), visited the Territory. The arrangements for those visits of a humanitarian nature took place following discussions between the Argentine and the British sides. During the visits, the groups, consisting of 15 persons each, visited the cemetery where the Argentine casualties are buried and attended religious services.

VIII. Participation in international organizations and arrangements

44. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the British Dependent Territories Association. It also takes part in the work of multilateral organizations concerned with the exploitation and preservation of marine resources in the South Atlantic.

IX. Consideration by the United Nations

A. Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

45. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 1470 and 1474th meetings on 6 and 16 June 1997. At its 1470th meeting, the Committee granted requests for hearing to Mr. William Luxton and Mrs. Sharon Halford of the Legislative Council of the Falkland Islands (Malvinas) as well as to Mr. Alejandro Betts and Mr. Juan Scott who made statements at the 1474th meeting. At the same meeting, the Committee acceded to the requests of the delegations of Argentina and Paraguay to participate in the consideration of the item.

46. At the same meeting, the Minister for Foreign Affairs, International Trade and Worship of Argentina made a statement reiterating the position of his Government on the issue, in which, *inter alia*, he said the following:

> "In view of its particular nature, in contrast to what occurs with other non-autonomous territories, the Malvinas question must be resolved through negotiations between the Argentine Republic and the United Kingdom, in conformity with the repeated decisions by the United Nations (General Assembly resolution 2065 (XX) and subsequent ones); to act otherwise, in addition to rewarding an act of usurpation, would be to undermine the territorial integrity of the Argentine Republic.

"The principle of self-determination applies only to peoples subject to a colonial power. In the case of the Malvinas Islands, the people colonized cannot be distinguished from the colonizer since they are the descendants of the colonists whom the occupying Power, after carrying out an act of usurpation in 1833, settled in the territory, expelling by force the pre-existing Argentine population, which was thereafter prevented from residing freely in the territory or acquiring land.

"Respect for the way of life of the islanders and the exclusively peaceful recovery of the Islands are guaranteed under the national constitution of Argentina.

"We are confident that the new British administration perceives the benefits to be gained from undertaking a dialogue that builds bridges and brings our positions closer together, leaving behind rigid formulas that have led to nothing. Today, there is a new opportunity for two friends, having imagination, flexibility, mutual trust and good faith, to sit down at a table in order to resolve a colonial anachronism."

47. At the same meeting, the representative of Paraguay, on behalf of the States members of the Southern Cone Common Market (MERCOSUR) (Argentina, Brazil, Paraguay and Uruguay) and also on behalf of Bolivia and Chile made a statement in which he informed the Committee that "during the meeting held by the Presidents of MERCOSUR and Bolivia and Chile in the town of Potrero de los Funes, San Luis province, the Argentine Republic, on 25 June 1996, they reaffirmed their support for the legitimate rights of the Argentine Republic in the sovereignty dispute concerning the question of the Malvinas Islands".

48. Also at the same meeting, the representative of Chile introduced, also on behalf of Bolivia, Cuba, Papua New Guinea and Venezuela, a draft resolution on the question (A/AC.109/L.1863). During the debate on the question, the representative of Fiji said that the Declaration on the Granting of Independence to Colonial Countries and Peoples called for an end to colonialism when the peoples of colonized territories exercised their right to self-determination. The process of self-determination should not be imposed on the people, but it was for them to exercise that right when the time was ripe. The draft resolution focused on the issue of sovereignty which was not in the Committee's mandate. The representative of Venezuela said that peaceful negotiations were the only way to resolve the dispute over the islands. Cuba and Bolivia reaffirmed their support for and solidarity with Argentina and joined Venezuela in expressing the view that the sovereignty dispute should be resolved peacefully in keeping with General Assembly and Special Committee resolutions. The representative of China said his Government had always advocated the peaceful settlement of disputes and hoped that Argentina and the United Kingdom would implement the General Assembly resolution on the issue as soon as possible and negotiate a settlement. At the same meeting, the Special Committee adopted the draft resolution without a vote as resolution A/AC.109/2096. Following the adoption of the resolution, the representative of Sierra Leone made a statement in explanation of its position in which he said that while efforts by Argentina and the United Kingdom to solve the issue by peaceful means were praiseworthy, significance should be given to the wishes and interests of the people of the islands. The resolution should have made reference to the important question of self-determination for the islanders. There was no alternative to that principle.

49. On 30 June 1997, the text of resolution A/AC.109/2096 was transmitted to the Permanent Representatives of the United Kingdom and of Argentina to the United Nations for the attention of their Governments.

B. General Assembly

Position of the Government of Argentina

50. During the general debate at the fifty-second session of the General Assembly, the Minister for Foreign Affairs, International Trade and Worship of Argentina, in the course of his statement at the 10th plenary meeting on 24 September 1997, reiterated the position of his Government as follows:

"There remains, however, in the South Atlantic, an important unresolved issue: the question of the Malvinas Islands. I reaffirm once again the legitimate rights of the Republic of Argentina in that dispute and its appeal for a peaceful and lasting solution.

"In keeping with the repeated appeals of the General Assembly and the Decolonization Committee, we believe that it is imperative to resume negotiations on all aspects of the question of the Malvinas Islands. No Member of the United Nations should evade the obligation to resolve a dispute by peaceful means as laid down in the Charter of the Organization. We call for the parties to sit at the negotiating table and discuss all the relevant issues.

"We have made too much progress with the United Kingdom to avoid addressing this issue. We have made very important strides in building our

bilateral relationship with the United Kingdom, a fact which is reflected in the heightened economic, commercial and cultural relations between the two countries. We have recreated a climate of mutual trust in the South-West Atlantic, which enables us today to cooperate in the conservation of living resources and in the exploration and exploitation of hydrocarbons. Undoubtedly, these activities would gain substantial impetus from the resumption of direct links between the mainland and the islands, which have proven to be most beneficial in the past. Nothing, however, replaces human contact between individuals.

"I trust that the new British Government will heed our appeal and that of the international community to pursue a dialogue without preconditions with a view to finding a definitive solution to the sovereignty dispute over the Malvinas Islands. To the islanders, I once again reiterate our firm commitment to fully respect their way of life, culture and institutions, as stated in our national constitution.

"The Decolonization Committee, which has historically played a decisive role in this sphere, has shown itself to be the appropriate forum to continue addressing the situation of the Malvinas Islands and other dependent territories. Accordingly, the six countries that make up the Permanent Mechanism for Consultation and Concerted Political Action of the Southern Common Market (MERCOSUR) have reaffirmed the importance of the work of the Committee of 24 on the decolonization process, which has not yet been completed. We trust that the Committee will maintain its effectiveness to the full."

51. That position was reaffirmed by the representative of Argentina in a statement made in exercise of the right of reply to the statement by the representative of the United Kingdom (see para.53 below) at the 10th plenary meeting of the fifty-second session of the General Assembly on 24 September 1997.

Position of the administering Power

52. In his statement at the 7th plenary meeting of the General Assembly, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom made no reference to the question of the Falkland Islands (Malvinas). However, speaking in exercise of the right of reply to the remarks of the Minister for Foreign Affairs of Argentina (see para. 51 above), the representative of the United Kingdom made the following statement:

"I would like to speak briefly in response to the remarks made today by the Minister for Foreign Affairs of Argentina concerning the Falkland Islands.

"We welcome the Foreign Minister's references to the high level of cooperation between the United Kingdom and Argentina which characterizes our bilateral relationship. The British Government sincerely hopes that the progress which has been achieved will be built on and developed.

"But the British Government does not accept the Foreign Minister's remarks about sovereignty. We have no doubt about Britain's sovereignty over the Falkland Islands and over the other British dependencies in the South Atlantic.

"In the Falkland Islands we must heed the wishes of the people. The elected representatives of the islanders, who visited the United Nations for the debate in the Committee of 24 in June this year, expressed their views clearly. They requested recognition that they, like any other democratic people, should be allowed to exercise the right of self-determination. As the democratic voice of the Falkland Islands people, they reiterated their view that they did not want to be part of Argentina.

"Despite our differences with Argentina on the subject of sovereignty, we maintain a constructive dialogue with the Argentine Government on matters such as hydrocarbons development and fisheries in the south Atlantic. We continue to hold discussions on these issues on a regular basis while maintaining our position regarding sovereignty over the Falklands and we value these practical steps to develop United Kingdom-Argentine cooperation. I hope both sides can leave it at that for today."

Contribution by other Member States

53. During the general debate on decolonization items in the Special Political and Decolonization Committee (Fourth Committee) on 8 October 1997, the representative of Uruguay, speaking on behalf of the States members of the Common Market of the Southern Cone (MERCOSUR), and also Bolivia and Chile, said that, on the question of the Falkland Islands (Malvinas), he wished to once again affirm the statement made by the Presidents of the States members of MERCOSUR and Bolivia and Chile in June 1996, in which they confirmed their support for the legitimate rights of the Argentine Republic in the dispute concerning sovereignty over the Malvinas Islands. They had also expressed their interest in a rapid settlement of the protracted

dispute between Argentina and the United Kingdom concerning sovereignty over those Territories in accordance with the resolutions of the United Nations and the Organization of American States (see A/C.4/52/SR.4).

54. At the same meeting, the representative of Paraguay, speaking on behalf of the Rio Group, said that where the Latin America region was concerned, the Group expressed once again the hope that bilateral relations between Argentina and the United Kingdom would make it possible to achieve a peaceful and lasting settlement of the issue of sovereignty over the Falkland Islands (Malvinas), South Georgias and South Sandwich Islands, in accordance with the resolutions of the General Assembly and the Special Political and Decolonization Committee. Also at the same meeting, the representative of Chile expressed the conviction that the peaceful settlement of the question of the Malvinas Islands by negotiation was the only means of solving that problem. The Chilean delegation also expressed hope for a speedy solution of the dispute between the Argentine Republic and the United Kingdom, in accordance with the relevant resolutions of the United Nations and the Organization of American States (A/AC.4/52/SR.4).

55. At the 6th meeting of the Fourth Committee on 10 October 1997, the representative of Brazil said that his delegation fully endorsed the statements made at previous meetings by the delegations of Paraguay (on behalf of the Rio Group) and Uruguay (on behalf of the States members of MERCOSUR, Bolivia and Chile), and, in particular, the terms of the 1996 declaration on the Malvinas Islands (A/AC.4/52/SR.6).

56. Speaking in exercise of the right of reply on 8 and 10 October 1997 in connection with the statements made by the representatives of Chile, Uruguay, Paraguay and Brazil, the representative of the United Kingdom said that the position of the United Kingdom on the question of sovereignty over the Falkland Islands was well known and recalled that it had been stated recently by the Permanent Representative of the United Kingdom speaking in exercise of the right of reply in connection with the statement made to the General Assembly by the Minister for Foreign Affairs of Argentina during a plenary meeting of the General Assembly on 24 September 1997.

Action by the General Assembly

57. On 10 November 1997, at its 47th plenary meeting, the General Assembly decided to defer consideration of the item entitled "Question of the Falkland Islands (Malvinas)" and to include it in the provisional agenda of its fifty-third session (decision 52/409).

X. Consideration by other intergovernmental organizations and international forums

58. On 4 June 1997, the following declaration was adopted by the twenty-seventh regular session of the Organization of American States:

> "*The General Assembly*,
>
> *Considering* its repeated statements that the question of the Malvinas Islands is a matter of enduring hemispheric concern,
>
> *Recalling* its resolution AG/RES/298 (XVIII-O/88) approved by consensus on 19 November 1988, which requests the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find, as soon as possible, a peaceful solution to the sovereignty dispute,
>
> *Bearing in mind* that, in resolution AG/RES/1049 (XX-O/90), it expressed its satisfaction with the resumption of diplomatic relations between the two countries, and that in its declaration AG/DEC.5 (XXIII-O/93), it emphasized the excellent state of their bilateral relations,
>
> *Having heard* the presentation by the head of delegation of the Argentine Republic,
>
> *Welcomes* the reaffirmation of the will of the Argentine Government to explore all possible avenues for peaceful settlement of the controversy and, in particular, its positive views concerning the inhabitants of the Malvinas Islands,
>
> *Decides* to continue to examine the question of the Malvinas Islands at its subsequent sessions until a definitive solution is reached thereon."

59. The position of the United Kingdom with regard to the consideration of the question of the Falkland Islands (Malvinas) at the Organization of American States has been stated in a letter from the Permanent Observer Mission of the United Kingdom to the Organization of American States addressed to the Chairman of the Permanent Council of the Organization of American States on 13 November 1995:

> "The position of the British Government on the question of the Falkland Islands is well known and remains unchanged. It was, for example, set out most recently by the British delegation in the United Kingdom right of reply to the statement to the United

Nations General Assembly by the Argentine Minister for Foreign Affairs on 27 September. I am sure you will understand why the United Kingdom cannot accept the various resolutions and declarations adopted by the General Assembly of the Organization and referred to in the preamble and operative paragraph 1 of resolution 655 (1041/95). I am sure that this matter will not inhibit the fruitful cooperation on a wide range of issues which we all desire."

60. At the seventh Ibero-American Summit held on Margarita Island, Venezuela, in November 1997, the Heads of State or Government adopted the following declaration:

"We affirm the need for the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume, as soon as possible, the negotiations aimed at bringing about a speedy resolution of the sovereignty dispute concerning the questions of the Malvinas Islands, in accordance with the resolutions of the United Nations and the Organization of American States and the provisions and objectives of the Charter of the United Nations, including the principle of self-determination."

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 *e* of the Charter of the United Nations on 24 March 1998, as well as from the official documents of the Government of Argentina